

first time it has been suggested in a judicial system. To the contrary, it is our information that the so-called three-tier court system in Illinois has in fact become what we understand to be a four-tier court system by virtue of the power delegated to the judges of the three-tier court, to appoint not magistrates or commissioners but trial judges at the limited jurisdiction level. Therefore, the concept contained in the majority report is not unique. It is not a first time. It is entirely consistent with progressive thinking in this area.

In our humble judgment it gives the court structure which we envision under this Majority Recommendation the control over these commissioners that is so sorely needed for the efficiency and the uniformity that we hope will be accomplished for the people of Maryland under this proposed judiciary article.

Accordingly, I urge you to vote against the amendment.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I yield three minutes to Delegate Jett.

THE CHAIRMAN: Delegate Jett.

DELEGATE JETT: Mr. Chairman, fellow delegates of this Convention, it would be improper for me to speak on this without paying due respect to the Chairman of this great Committee who has come forth with this fine argument. In the main I agree with it. I think it is a wonderful step forward for Maryland.

I must say, however, that this article as respects the commissioners is one which I feel will not only not help the judiciary but do it terrible harm. I feel that this idea of turning over to our judges the matter of dispensing patronage and of giving out jobs, while on the bench dispensing justice, exposes them to charges of dispensing patronage in their chambers. I feel that this will subject every judge to unwanted and unnecessary censure and to something no judge would want.

I submit to you all that no judge would want to drink from this cup, that he would want this cup to pass from him.

I would suggest to you further that this is something that cannot fail to take a great deal of judicial attention. It is something that is going to divert judicial attention from the very demanding job of being a judge and not a dispenser of jobs and not one who is looking over the ad-

ministering, hiring and firing and interviewing and doing all the things required in this job.

As for control, in the limited control given these commissioners, their every act would almost inevitably come under the surveillance of the judges.

It is my feeling that we, by subjecting out judges to the indignity of having to pick these men, would be doing them the greatest disservice. I say to you that particularly in this area, where the average citizen has his only contact with justice, and where he sees law working as probably the only contact he ever has with it, nothing should cast any doubt in his mind that that judge sitting on that bench in those robes is dispensing free justice. I ask you for the love all of us have for the judiciary to vote against this giving of power to the judges to appoint their commissioners and in favor of the amendment.

Thank you.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, I yield three minutes to Delegate Dulany.

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: Mr. Chairman, the word "commissioners" is new to Maryland judiciary. It will stand in the place of what we now know as the committing magistrate. I think many people are not fully aware of what a committing magistrate is, but we in the county are well aware and probably some city residents are also. The committing magistrate is a person to whom a person goes when he wants to swear out a warrant for the arrest of a citizen who has breached the law or committed some offense or caused some offense against the person swearing out the warrant. This is a very important office.

A warrant of arrest sworn out against a person does make some sort of record against him if the committing magistrate does not know something of the law; many times you can have warrants sworn out that are unjustified.

We had before our Committee testimony that a warrant for assault was sworn out against a man who was placed in jail pending hearing because his dog killed a neighbor's chicken. At the present time the committing magistrates are political appointees for a two-year term. Their qualifications are practically zero.

Under the judicial article as drafted by the Committee, the committing magistrates,